

Docket No.: 049480-0050



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Donald F. MAY, et al.	:	Confirmation Number: 7037
	:	
Application No.: 10/601,101	:	Group Art Unit: 2878
	:	Allowed: October 06, 2005
Filed: June 23, 2003	:	Examiner: S. B. Allen
	:	
For: INTEGRATING CHAMBER CONE LIGHT USING LED SOURCES		

**COMMENTS RESPONSIVE TO STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the October 6, 2005 Notice of Allowability regarding the above-identified application. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the stated reasoning.

With respect to each of the independent claims, the Statement paraphrases substantially all of the respective independent claim. The language used in the Statement, however, does not precisely track that of the respective claim.

In the discussion of claim 1, for example, the Statement refers initially to “radiant energy” and then later refers repeatedly to “light.” Claim 1 consistently refers to “radiant energy.” As another example relative to claim 1, the Statement mentions setting “a specific characteristic of the combined light ...” The relevant portion of the claim actually recites

establishing output intensity of radiant energy of each of the sources to set “a spectral characteristic of the combined radiant energy ...”

In the discussion of claim 32, the Statement characterizes the subject matter as an apparatus “for emitting light of multiple wavelengths.” The preamble of claim 32 actually recites “emitting radiant energy of multiple wavelengths.” Also, even the recitations of the LEDs actually specify that the LEDs emit radiant energy.

The patentable language of the allowed claims is already of record in the case and is adequately clear. As shown above, there are discrepancies between the paraphrasing in the Statement and the actual claim language. The examples above are not intended as an exhaustive list of such differences. Paraphrasing of substantial portions of the claim language in the Statement adds nothing substantive to the record and should not create any narrowing interpretation or estoppel with regard to any of the allowed claims, particularly to the extent that the Statement differs from the actual recitations in the claims and/or from the proper interpretation of the claims in light of the claim language and the specification.

Furthermore, the claims were rejected only for non-statutory double patenting over claims in a pending child application, and the rejection was withdrawn following Applicants traversal. Hence, the claims have been allowed without any art rejection, narrowing amendment or comments by Applicants as to patentability of the over the art.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance.

10/601,101

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George".

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**Please recognize our Customer No. 20277
as our correspondence address.**